

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:17-cv-00832-CKK**

JUDICIAL WATCH, INC. v. U.S. DEPARTMENT OF JUSTICE  
Assigned to: Judge Colleen Kollar-Kotelly  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/05/2017  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****JUDICIAL WATCH, INC.**

represented by **James F. Peterson**  
JUDICIAL WATCH, INC.  
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**ATTORNEY TO BE NOTICED**

**Paul J. Orfanedes**  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant****U.S. DEPARTMENT OF JUSTICE**

represented by **James O. Bickford**  
U.S. DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 05/05/2017 | <u>1</u> | COMPLAINT against U.S. DEPARTMENT OF JUSTICE ( Filing fee \$ 400 receipt number 0090-4941494) filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons U.S. Attorney, # <u>3</u> Summons U.S. Attorney General, # <u>4</u> Summons U.S. Department of Justice)(Orfanedes, Paul) (Entered: 05/05/2017) |
| 05/05/2017 | <u>2</u> | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by JUDICIAL WATCH, INC. (Orfanedes, Paul) (Entered: 05/05/2017)   |
| 05/05/2017 |          | Case Assigned to Judge Colleen Kollar-Kotelly. (sth) (Entered: 05/05/2017)   |
| 05/05/2017 | <u>3</u> | SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(sth) (Entered: 05/05/2017)   |

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| 05/10/2017 | <u>4</u>  | ORDER Establishing Procedures for Cases Assigned to Judge Colleen Kollar-Kotelly. Signed by Judge Colleen Kollar-Kotelly on May 10, 2017. (NS) (Entered: 05/10/2017)  |
| 05/11/2017 | <u>5</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/9/2017. ( Answer due for ALL FEDERAL DEFENDANTS by 6/8/2017.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 5/9/17., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 5/9/2017 (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Orfanedes, Paul) (Entered: 05/11/2017)  |
| 06/08/2017 | <u>6</u>  | NOTICE of Appearance by James O. Bickford on behalf of U.S. DEPARTMENT OF JUSTICE (Bickford, James) (Entered: 06/08/2017)   |
| 06/08/2017 | <u>7</u>  | ANSWER to Complaint by U.S. DEPARTMENT OF JUSTICE.(Bickford, James) (Entered: 06/08/2017)   |
| 06/16/2017 | <u>8</u>  | ORDER. The parties shall file a schedule not later than July 17, 2017. Signed by Judge Colleen Kollar-Kotelly on 6/16/2017. (lcckk1) (Entered: 06/16/2017)  |
| 06/16/2017 |           | Set/Reset Deadlines: Joint Status Report due by 7/17/2017. (dot) (Entered: 06/20/2017)  |
| 07/17/2017 | <u>9</u>  | Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Bickford, James) (Entered: 07/17/2017)  |
| 07/27/2017 |           | MINUTE ORDER: The Court is in receipt of the parties' <u>9</u> Joint Status Report, which indicates that Defendant intends to produce all responsive, non-exempt records by November 24, 2017. Accordingly, the parties shall file a further Joint Status Report by DECEMBER 23, 2017, updating the Court on how the parties intend to proceed, and proposing a briefing schedule if necessary. Signed by Judge Colleen Kollar-Kotelly on 7/27/2017. (lcckk1) (Entered: 07/27/2017)   |
| 07/27/2017 |           | Set/Reset Deadlines: Joint Status Report due by 12/23/2017. (dot) (Entered: 07/28/2017)   |
| 07/27/2017 |           | Set/Reset Deadlines: Answer to complaint due by 8/25/2017. (dot) (Entered: 07/28/2017)  |
| 12/20/2017 | <u>10</u> | NOTICE of Appearance by James F. Peterson on behalf of JUDICIAL WATCH, INC. (Peterson, James) (Entered: 12/20/2017)   |
| 12/21/2017 | <u>11</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Bickford, James) (Entered: 12/21/2017)  |
| 01/03/2018 |           | MINUTE ORDER: The Court is in receipt of the parties' <u>11</u> Joint Status Report, which indicates that Defendant "has completed its production and processing of records responsive to Plaintiff's request," has withheld certain documents in full or in part, and disagrees with Plaintiff's proposal that Defendant should be required to provide a draft search declaration and draft <i>Vaughn</i> index at this stage in the litigation. The Court agrees with Defendant that Plaintiff's request for a search declaration and <i>Vaughn</i> index is premature. <i>See, e.g., Citizens for Responsibility &amp; Ethics in Wash. v. Fed. Election Comm'n</i> , 711 F.3d 180, 187 n.5 (D.C. Cir. 2013) (observing that "district courts typically rely on [ <i>Vaughn</i> indices] in adjudicating summary judgment motions in FOIA cases"). The Court adopts the parties' proposal that they submit a further Joint Status Report by <b>FEBRUARY 8, 2018</b> . This report shall address the status of the parties' efforts to narrow or eliminate the remaining issues in this case and shall propose a briefing schedule if necessary. Signed by Judge Colleen Kollar-Kotelly on January 3, 2018. (lcckk1) (Entered: 01/03/2018) |
| 01/03/2018 |           | Set/Reset Deadlines: Joint Status Report due by 2/8/2018. (dot) (Entered: 01/03/2018)   |
| 02/08/2018 | <u>12</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Bickford, James) (Entered: 02/08/2018)  |
| 02/09/2018 |           | MINUTE ORDER: The Court is in receipt of the parties' <u>12</u> Joint Status Report, which indicates that Defendant has agreed to produce a draft <i>Vaughn</i> index by March 22,  |

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|            |           | 2018, of all documents withheld in full, and all withholdings in part except for those made pursuant to Freedom of Information Act Exemptions 6 or 7(C). The Court adopts the parties' proposal that they submit a further Joint Status Report by <b>APRIL 30, 2018</b> . This report shall address the status of the parties' efforts to narrow or eliminate the remaining issues in this case and shall propose a briefing schedule if necessary. Signed by Judge Colleen Kollar-Kotelly on February 9, 2018. (lcckk1) (Entered: 02/09/2018)  |
| 02/09/2018 |           | Set/Reset Deadlines: Joint Status Report due by 4/30/2018. Defendant's draft Vaughn Index due by 3/22/2018. (dot) (Entered: 02/28/2018)   |
| 04/30/2018 | <u>13</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Bickford, James) (Entered: 04/30/2018)  |
| 05/10/2018 |           | MINUTE ORDER: The Court is in receipt of the parties' <u>13</u> Joint Status Report, which indicates that Defendant has produced a draft <i>Vaughn</i> index, that Defendant has made a supplemental production, and that Plaintiff has reviewed both and indicated to Defendant that it wants to discuss further certain of the withholdings. The Court adopts the parties' proposal that they submit a further Joint Status Report by <b>JUNE 29, 2018</b> . This report shall address the status of the parties' efforts to narrow or eliminate the remaining issues in this case and shall propose a briefing schedule if necessary. Signed by Judge Colleen Kollar-Kotelly on May 10, 2018. (lcckk1) (Entered: 05/10/2018) |
| 05/10/2018 |           | Set/Reset Deadlines: Joint Status Report due by 6/29/2018 as to the parties' efforts to narrow or eliminate the remaining issues. (dot) (Entered: 05/15/2018)   |
| 06/29/2018 | <u>14</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Bickford, James) (Entered: 06/29/2018)  |
| 07/12/2018 |           | MINUTE ORDER: The Court is in receipt of the parties' <u>14</u> Joint Status Report, which indicates that the parties have discussed their remaining issues and continue to "hope to resolve some of them amicably," but that they expect to require the Court's decision as to at least some of these disputes. Accordingly, the Court adopts the parties' proposed schedule for summary judgment briefing in the accompanying Scheduling and Procedures Order. Should the parties ultimately determine that they are able to resolve all of their issues, they shall promptly notify the Court. Signed by Judge Colleen Kollar-Kotelly on July 12, 2018. (lcckk1) (Entered: 07/12/2018)                                       |
| 07/12/2018 | <u>15</u> | SCHEDULING AND PROCEDURES ORDER. Signed by Judge Colleen Kollar-Kotelly on July 12, 2018. (lcckk1) (Entered: 07/12/2018)  |
| 07/12/2018 |           | Set/Reset Deadlines: Plaintiff's Cross Motion due by 9/17/2018. Response to Cross Motion due by 10/9/2018. Reply to Cross Motion due by 10/30/2018. Defendant's Summary Judgment Motion due by 8/17/2018. Response to Motion for Summary Judgment due by 9/17/2018. Reply to Motion for Summary Judgment due by 10/9/2018. (dot) (Entered: 07/13/2018)  |
| 08/10/2018 | <u>16</u> | Consent MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Bickford, James) (Entered: 08/10/2018)   |
| 08/15/2018 |           | MINUTE ORDER: The Court is in receipt of Defendant's <u>16</u> Consent Motion for Extension of Time to File Motion for Summary Judgment, which seeks an extension "to allow sufficient time for internal review and preparation of the accompanying <i>Vaughn</i> index." With Plaintiff's consent, the Court GRANTS Defendant's <u>16</u> Consent Motion, for good cause shown. The Court adopts Defendant's proposed revised schedule for summary judgment briefing in the accompanying Amended Scheduling and Procedures Order. Signed by Judge Colleen Kollar-Kotelly on August 15, 2018. (lcckk1) (Entered: 08/15/2018)  |
| 08/15/2018 | <u>17</u> | AMENDED SCHEDULING AND PROCEDURES ORDER. Signed by Judge Colleen Kollar-Kotelly on August 15, 2018. (lcckk1) (Entered: 08/15/2018)  |
| 08/15/2018 |           | Set/Reset Deadlines: Defendant's Summary Judgment Motion due by 8/23/2018. Response to Motion for Summary Judgment due by 9/24/2018. Reply to Motion for Summary Judgment due by 10/16/2018. Plaintiff's Cross Motion due by 9/24/2018. Response to Cross Motion due by 10/16/2018. Reply to Cross Motion due by 11/6/2018. (dot) (Entered: 08/15/2018)   |

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| 08/23/2018 | <u>18</u> | MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Bickford, James) (Entered: 08/23/2018)  |
| 08/23/2018 | <u>19</u> | Vaughn Index from Vanessa Brinkmann. (Attachments: # <u>1</u> Exhibits A – F, # <u>2</u> Exhibit G: Tabular Vaughn Index)(Bickford, James) (Entered: 08/23/2018)  |
| 09/24/2018 | <u>20</u> | Memorandum in opposition to re <u>18</u> MOTION for Summary Judgment <i>and Response to Defendant's Statement of Facts</i> filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Declaration of Paul J. Orfanedes, # <u>2</u> Text of Proposed Order)(Orfanedes, Paul) (Entered: 09/24/2018)  |
| 09/24/2018 | <u>21</u> | Cross MOTION for Summary Judgment <i>with Plaintiff's Statement of Material Facts</i> by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Declaration of Paul J. Orfanedes, # <u>2</u> Text of Proposed Order)(Orfanedes, Paul) (Entered: 09/24/2018)  |
| 10/16/2018 | <u>22</u> | Memorandum in opposition to re <u>21</u> Cross MOTION for Summary Judgment <i>with Plaintiff's Statement of Material Facts</i> filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration of Vanessa Brinkmann, # <u>2</u> Statement of Facts)(Bickford, James) (Entered: 10/16/2018)  |
| 10/16/2018 | <u>23</u> | REPLY to opposition to motion re <u>18</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration of Vanessa Brinkmann, # <u>2</u> Statement of Facts)(Bickford, James) (Entered: 10/16/2018)  |
| 10/24/2018 | <u>24</u> | REPLY to opposition to motion re <u>21</u> Cross MOTION for Summary Judgment <i>with Plaintiff's Statement of Material Facts</i> filed by JUDICIAL WATCH, INC.. (Orfanedes, Paul) (Entered: 10/24/2018)   |
| 03/26/2019 | <u>25</u> | NOTICE OF SUPPLEMENTAL AUTHORITY by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Exhibit)(Orfanedes, Paul) (Entered: 03/26/2019)   |
| 09/24/2019 | <u>26</u> | ORDER. The Court DENIES WITHOUT PREJUDICE Defendant's <u>18</u> Motion for Summary Judgment and HOLDS IN ABEYANCE Plaintiff's <u>21</u> Cross–Motion for Summary Judgment. Defendant shall file any new Motion for Summary Judgment no later than OCTOBER 25, 2019. Plaintiff shall file any Opposition on or before NOVEMBER 8, 2019, and Defendant shall any Reply on or before NOVEMBER 15, 2019. See Order for details. Signed by Judge Colleen Kollar–Kotelly on September 24, 2019. (lcckk1) (Entered: 09/24/2019)  |
| 09/24/2019 | <u>27</u> | MEMORANDUM OPINION. Signed by Judge Colleen Kollar–Kotelly on September 24, 2019. (lcckk1) (Entered: 09/24/2019)  |
| 09/24/2019 |           | Set/Reset Deadlines: Defendant's Summary Judgment Motion due by 10/25/2019. Response to Motion for Summary Judgment due by 11/8/2019. Reply to Motion for Summary Judgment due by 11/15/2019. (dot) (Entered: 09/25/2019)   |
| 10/18/2019 | <u>28</u> | Consent MOTION for Extension of Time to File <i>Renewed Motion for Summary Judgment</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Bickford, James) (Entered: 10/18/2019)   |
| 10/21/2019 |           | MINUTE ORDER: The Court has received Defendant's <u>28</u> Consent Motion for Extension of Time to File Renewed Motion for Summary Judgment, in which Defendant seeks an extension in part "to allow sufficient time for internal review and preparation of the revised <i>Vaughn</i> index." With Plaintiff's consent, the Court <b>GRANTS</b> Defendant's <u>28</u> Consent Motion for good cause shown. The Court adopts Defendant's proposed revised schedule: Defendant shall file its renewed motion on or before <b>NOVEMBER 5, 2019</b> ; Plaintiff shall file its opposition on or before <b>NOVEMBER 19, 2019</b> ; and Defendant shall file its reply on or before <b>NOVEMBER 26, 2019</b> . Signed by Judge Colleen Kollar–Kotelly on October 21, 2019. (lcckk1) (Entered: 10/21/2019) |
| 10/21/2019 |           | Set/Reset Deadlines: Defendant's Renewed Summary Judgment Motion due by 11/5/2019. Response to Motion for Summary Judgment due by 11/19/2019. Reply to Motion for Summary Judgment due by 11/26/2019. (dot) (Entered: 10/22/2019)   |
| 11/05/2019 | <u>29</u> | Second MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> 3d Declaration of Vanessa R. Brinkmann, # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Bickford, James)  |

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|            |           | (Entered: 11/05/2019)   |
| 11/19/2019 | <u>30</u> | Memorandum in opposition to re <u>29</u> Second MOTION for Summary Judgment ( <i>With Response to Defendant's Statement of Facts</i> ) filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Orfanedes, Paul) (Entered: 11/19/2019) |
| 11/26/2019 | <u>31</u> | REPLY to opposition to motion re <u>29</u> Second MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (Bickford, James) (Entered: 11/26/2019)  |